

Agenda



Tempe City Council

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Harry E. Mitchell Government Center

Municipal Building

Council Chambers

31 East Fifth Street

7:30 P.M.

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December 4, 2003

1. INVOCATION – Councilmember Cahill

2. PLEDGE OF ALLEGIANCE

3. MINUTES – Vice Mayor Carter

A. Approval of Council Meeting Minutes

1. Council Executive Session – November 6 & 13, 2003
2. Council Finance & Diversity Issues Committee – October 28 and November 12, 2003 [20031204clrkck01.pdf](#) [20031204clrkck02.pdf](#)

B. Acceptance of Board & Commission Meeting Minutes

3. Aviation Commission – October 14, 2003 [20031204tavco01.pdf](#)
4. Bicycle Advisory Committee – October 2, 2003 [20031204bac01.pdf](#)
5. Double Butte Cemetery Advisory Committee – September 17, 2003
[20031204dbca01.pdf](#)
6. Golf Committee – September 3, 2003 [20031204csmr02.pdf](#)
7. Hearing Officer – November 4 & 18, 2003 [20031204ho01.pdf](#)
[20031204ho02.pdf](#)
8. Historic Preservation Commission – October 2, 2003 [20031204hpc01.pdf](#)
9. Library Advisory Board – September 8, 2003 [20031204lab01.pdf](#)
10. Mayor's Youth Advisory Commission – October 21 & November 4, 2003
[20031204myac01.pdf](#) [20031204myac02.pdf](#)
11. Municipal Arts Commission – October 8, 2003 [20031204mac01.pdf](#)
12. Municipal Property Corporation – November 12, 2003 [20031204mpc.pdf](#)
13. Neighborhood Advisory Commission – October 1, 2003 [20031204nac01.pdf](#)
14. Special Events Task Force – October 14 & 28 and November 12, 2003
[20031204setk01.pdf](#) [20031214setf02.pdf](#) [20031214setf03.pdf](#)
15. Tempe Fire Public Safety Personnel Retirement Board – September 4, 2003
[20031204clrkck3.pdf](#)

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

- **Board and Commission Appointments** [20031204boards.pdf](#)

B. Manager's Announcements

5. **CONSENT AGENDA**

All items listed on the consent agenda will be considered as a group by the City Council and will be enacted with one motion. There will be no discussion of these items unless a Councilmember removes an item for consideration or a Citizen requests a public hearing item be removed. Public hearing items are designated by an asterisk (*). Items scheduled for a first hearing will be heard but not adopted at this meeting.

'q-j' denotes an item as quasi-judicial. The City Council sits as a quasi-judicial body when hearing variances or use permits. Courts have ruled that when sitting as a quasi-judicial body, the Council must conduct itself as a court and not as a legislative body. This means any materials or conversations concerning the variance or use permit can only be presented to the Council at the public hearing scheduled for the Council meeting. Pre-meeting contact with the Council on quasi-judicial matters is prohibited.

A. Miscellaneous

16. Request approval to set Executive Session for the City Council meeting of December 18, 2003, if needed, in the Harry E. Mitchell Government Center, Municipal Building, 3rd Floor Conference Room, 31 E. 5th Street.

COMMENTS: Agenda for Executive Session will be posted at least 24 hours prior to such meeting.

17. Request approval of the Report of Claims Paid to be Filed for Audit for the week(s) of November 8, 15 & 22, 2003.

COMMENTS: A copy of the detailed claims report may be obtained by contacting the City Clerk's Office.

18. Request approval of a Consent to Retailer Designation and Assignment Agreement between Tait Development, Inc. and Ikea Property, Inc.

DOCUMENT NAME: [20031204casv02.pdf](#) **DEVELOPMENT PROJECT (0406)**

19. Request approval of an Intergovernmental Agreement between the Tempe Union High School District and the City of Tempe for the provision of the Tempe TeenScreen Program.

DOCUMENT NAME: [20031204csjt01.pdf](#) **TEMPE UNION HIGH SCHOOL DISTRICT (0109-14)**

- *20. Hold a public hearing and authorize amendments to the 2003-2004 CDBG Action Plan.

COMMENTS: Amendments include funding for the Pappas School development fees and the use of a HUD Section 108 loan program for Brownfield development.

DOCUMENT NAME: [20031204dsnc03.pdf](#) **COMM. DEV. BLOCK GRANT
FY 2003/2004 (0207-25)**

21. Request approval of a Donation Agreement and Escrow Instructions between Union Pacific Railroad Company and the City of Tempe.

COMMENTS: Acquisition of real property interests in the Creamery Branch Spur Line from Union Pacific Railroad Company. The Creamery Branch Spur commences at the intersection with Union Pacific's main railroad line east of 3^d Street and Ash Avenue and terminates at University Drive, east of Dorsey.

DOCUMENT NAME: [20031204casv03.pdf](#) **TRANSPORTATION PLANNING (1101-01)**

22. DELETED

23. Request approval of a Purchase and Sale Agreement and Escrow Instructions between Union Pacific Railroad Company and the City of Tempe.

COMMENTS: Acquisition of real property interests in the Bridge Property from Union Pacific Railroad Company. The Bridge Property commences at Washington Street and parallels Union Pacific's main railroad line south until it intersects with the Creamery Branch Spur line.

DOCUMENT NAME: [20031204casv04.pdf](#) **TRANSPORTATION PLANNING (1101-01)**

24. Request approval of a Power Pole Relocation Agreement between Union Pacific Railroad Company, Valley Metro Rail and the City of Tempe.

COMMENTS: Power Pole Relocation Agreement between Union Pacific Railroad, Valley Metro Rail and the City of Tempe for the future relocation of a power pole. The power pole is located at the northeast corner of Farmer Avenue and First Street.

DOCUMENT NAME: [20031204casv06.pdf](#) **TRANSPORTATION PLANNING (1101-01)**

25. Request approval of an Option to Purchase and the Purchase and Sale Agreement and Escrow Instructions between Union Pacific Railroad Company and the City of Tempe.

COMMENTS: Acquisition of real property interests in the First Street Option Property from Union Pacific Railroad Company. The First Street Property is a strip of land which commences at the north property line of the City's 5th Street and Farmer Avenue parking lot and parallels Union Pacific's main railroad line north until it terminates within Tempe Beach Park.

DOCUMENT NAME: [20031204casv07.pdf](#) **TRANSPORTATION PLANNING**

(1101-01)

26. Request approval of the Agreement between the City of Tempe and the Downtown Tempe Community regarding the Tempe Festivals of the Arts, the Fantasy of Lights and the Fantasy on Ice.

DOCUMENT NAME: [20031204casv10.pdf](#) **DOWNTOWN TEMPE COMMUNITY, INC. (0109-30)**

27. Request approval of an Agreement for the Conditional Assignment of Property from the Mill Avenue Merchants Association, Inc. to the City of Tempe.

DOCUMENT NAME: [20031204casv09.pdf](#) **MILL AVENUE MERCHANTS ASSOCIATION (0109-08)**

28. Request approval of an Amended Condominium Map by Warner Century Plaza located at 2135 East Warner Road.

COMMENTS: (UTAZ Development Corp., Steven Beck, property owner) **#SHR-2003.97** for an amended Horizontal Regime (condominium map) for thirty-seven (37) office units on 8.06 net acres.

DOCUMENT NAME: [20031204dsht10.pdf](#) **PLANNED DEVELOPMENT (0406)**

29. Request approval of an Amended Final Plat by Earnhardt Lincoln-Mercury located at 7777 South Test Drive.

COMMENTS: (No Bull, L.L.C., property owner) **#SBD-2003.99** for an Amended Final Plat for one (1) lot on 3.75 net acres.

DOCUMENT NAME: [20031204dsht12.pdf](#) **PLANNED DEVELOPMENT (0406)**

30. DELETED

31. Request approval of a Preliminary and Final Subdivision Plat for Thomas J. Pappas School located at 1938 East Apache Boulevard.

COMMENTS: (Maricopa County Regional School District, property owner) **#SBD-2003.94** for a Preliminary and Final Subdivision Plat consisting of one (1) lot on 2.77 net acres.

DOCUMENT NAME: [20031204dsht11.pdf](#) **PLANNED DEVELOPMENT (0406)**

32. Request approval of an Amended Final Subdivision Plat for Aim Leasing located at 1655 West 10th Place.

COMMENTS: (Jerry Ivy, property owner) **#SBD-2003.100** for an Amended Final Subdivision Plat consisting of one (1) lot on 2.39 net acres.

DOCUMENT NAME: [20031204dsd2k14.pdf](#) **PLANNED DEVELOPMENT (0406)**

33. Request approval to utilize City of Scottsdale Contract 01IB086 for the purchase of 250 two-inch water meters from Badger Meter, Inc. Total cost for this purchase shall not exceed \$71,221.00.

DOCUMENT NAME: [20031204fsts02.pdf](#) **PURCHASES (1004-01)**

34. Request approval to utilize City of Scottsdale Contract 03PB074 for sewer and lift station cleaning and maintenance to Ancon Service Company. Total cost for this contract shall not exceed \$160,000.00 annually.

DOCUMENT NAME: [20031204fsts03.pdf](#) **PURCHASES (1004-01)**

- *35. This is a public hearing for the approval of a Person to Person transfer of a Series 9 Store Liquor License from Sam's Liquor, 1025 W. Broadway Rd., Sameer Moushi, Agent to Sam's Liquor, 1025 W. Broadway Rd., Albert Orah, Agent.

DOCUMENT NAME: [20031204LIQ1.pdf](#) **LIQ LIC (0210-02)**

- *36. This is a public hearing for the approval of an Original Series 12 Restaurant Liquor License for Titan Simplex of Arizona, Inc., dba Fatburger, 414 S. Mill, #101.

COMMENTS: Marcus Walburg, Agent

DOCUMENT NAME: [20031204LIQ2.pdf](#) **LIQ LIC (0210-02)**

- *37. This is a public hearing for the approval of an Original Series 12 Restaurant Liquor License for Parsian Corporation dba Tasty Kabob, 1250 E. Apache Blvd., #116.

COMMENTS: Homa Mamnoon, Agent

DOCUMENT NAME: [20031204LIQ3.pdf](#) **LIQ LIC (0210-02)**

- *38. This is a public hearing for the approval of an Original Series 10 Beer and Wine Store Liquor License for University Quick Mart, 1835 E. University Drive.

COMMENTS: Jamal Sobhi Lashin, Agent

DOCUMENT NAME: [20031204LIQ4.pdf](#) **LIQ LIC (0210-02)**

39. Request approval of an addendum to a professional services contract for the design of the water transmission main from Johnny G. Martinez Water Treatment Plant to Indian Bend Wash in an amount not to exceed \$67,507.00.

DOCUMENT NAME: [20031204PWTG04.pdf](#) **WATER MANAGMENT (0811)**
PROJECT NO. 3200031

40. Request approval of an addendum to a professional services contract with Carollo Engineers in an amount not to exceed \$107,444.00.

DOCUMENT NAME: [20031204PWTG07.pdf](#) **JOHNNY G. MARTINEZ WATER TREATMENT PLANT (0902-14)** PROJECT NO. 3201091

B. Award of Bids

41. Request to award a construction contract to MGC Contractors, Inc. in an amount not to exceed \$10,947,332.00 (Base Bid), plus approve a contingency of \$300,000.00,

and to authorize Carollo Engineers to proceed with Phase III Design Services during Construction of the Disinfection Technology and Marigold Lane Improvements Project.

DOCUMENT NAME: [20031204PWMG01.pdf](#) **JOHNNY G. MARTINEZ WATER TREATMENT PLANT (0902-14)** PROJECT NO. 3201092

42. Request to award a construction contract to S.D. Crane Builders, Inc. in an amount not to exceed \$22,105.00 (Base Bid), plus approve a contingency of \$3,000.00 for the Tempe Water Utilities Department Communication Improvements.

DOCUMENT NAME: [20031204PWMG08.pdf](#) **SOUTH TEMPE WATER TREATMENT PLANT (0811-08)** PROJECT NO. 32-996921

43. Request to award a construction contract to Ace Pipe Cleaning, Inc. in an amount not to exceed \$48,000.00 (Base Bid), plus approve a contingency of \$4,800.00 for the Southern Avenue Interceptor Closed Circuit Television Inspection.

DOCUMENT NAME: [20031204PWMG09.pdf](#) **WASTEWATER MANAGEMENT (0812-01)** PROJECT NO. 3200581

44. Request to award a three-year contract with three (1) one-year renewal options for banking services to Bank One, AZ, N.A. Total cost for this contract shall not exceed \$920,000 during the initial contract period.

DOCUMENT NAME: [20031204fst01.pdf](#) **PURCHASES (1004-01)** RFP 04-000

45. Request to award a sole source purchase for the supply and application of asphalt rubber scrub seal to International Surfacing Systems. Total cost for this contract shall not exceed \$109,000.

DOCUMENT NAME: [20031204fslg04.pdf](#) **PURCHASES (1004-01)** #04-069

C. Ordinances and Items for Introduction

46. Set public hearings for **January 8 and January 15, 2004**, to amend Tempe City Code, Chapter 11, Article 1, relating to Design Review by amending Section 11-6.

COMMENTS: Ordinance #2003.37 is a proposed amendment to eliminate the requirement that all Multi-Family development follow the requirements of the Multi-Family Quality Study.

DOCUMENT NAME: [20031204dsnw9.pdf](#) **PLANNED DEVELOPMENT (0406)** Ordinance No. 2003.37

47. Set public hearings for **January 8 and January 15, 2004** to authorize the issuance of a Request for Proposal for hiring a property management and leasing company to manage and lease City of Tempe property acquired for the Light Rail Project, and to authorize the lease of such property.

DOCUMENT NAME: [20031204casv08.pdf](#) **TRANSPORTATION PLANNING (1101-01)** Ordinance No. 2003.38

- q-j 48. Set public hearings for **January 8 and January 15, 2004**, for Firestone Tires for an Amended General Plan of Development for University & McClintock Crossing Commercial Center and Final Plan of Development for Firestone Tires, including a use permit, located at 1775 East University Drive.

COMMENTS: (The Focus Group, LLC, David Church, property owner) **#SGF-2003.95** for an Amended General Plan of Development for University & McClintock Crossing consisting of 29,016 s.f., on 4.86 net acres, and a Final Plan of Development for Firestone Tires consisting of 7,610 s.f. on 2.11 net acres, including the following:

Use Permit:

1. Allow a tire and auto service store in the PCC-1 Zoning District.

DOCUMENT NAME: [20031204dsd2k07.pdf](#) **PLANNED DEVELOPMENT (0406)**

49. Set public hearings for **January 8 and January 15, 2004** for Playa Del Norte for a zoning change and a Preliminary and Final Subdivision Plat, located at 179 North Scottsdale Road.

COMMENTS: (Playa Del Norte LLC., City of Tempe, property owners) including the following: **#ZON-2003.18 Ordinance No. 2003.18** A zoning change from AG, Agricultural, I-1, Light Industrial, I-2, General Industrial, and PCC-1, Planned Commercial Center, to MG, Multi-Use General District on 22.78 net acres. **#SBD-2003.91** A Preliminary and Final Subdivision Plat for six lots on 22.78 net acres.

DOCUMENT NAME: [20031204dsd2k06.pdf](#) **PLANNED DEVELOPMENT (0406)**

- q-j 50. Set public hearings for **January 8 and January 15, 2004**, for Wal-Mart Store #1746-01 for an Amended General and Final Plan of Development, including one variance, for Groves Power Center located at 1380 West Elliot Road.

COMMENTS: (Wal-Mart Stores, Inc., property owner) **#SGF-2003.93** for an Amended General Plan of Development for the Groves Power Center consisting of a 418,880 s.f. on 38.26 net acres, and a Final Plan of Development for Wal-Mart expansion for 187,867 s.f. (115,553 s.f. existing plus 73,314 s.f. addition) on 11.79 net acres, located at 1380 West Elliot Road, including the following:

Variances:

Reduce the minimum required side yard building setback, along the east side property line of Lot 3 and along the west side property line of Lot 4, from 60 feet to 0 feet.

DOCUMENT NAME: [20031204dsht08.pdf](#) **PLANNED DEVELOPMENT (0406)**

- D. Ordinances and Items for First Hearing – These items will have two public hearings before final Council action.

- *51. This is the **first** public hearing to abandon the south 245.23 feet of Sunset Drive, south of Apache Boulevard, west of Rural Road. Request to **continue second public hearing from December 18, 2003, to January 8, 2004.**

DOCUMENT NAME: [20031204PWMG02.pdf](#)
ABANDONMENT (0901) Ordinance No. 2003.32

RIGHT OF WAY

E. Ordinances and Items for Second Hearing/Final Adoption

- *52. This is the **second** public hearing for Crossroads of Tempe for an Amended General Plan of Development and a Final Plan of Development for Lots 2 and 3 located at 325 West Elliot Road.

COMMENTS: (David J. Glimcher, property owner) **#SGF-2003.83** for an Amended General Plan of Development consisting of 142,363 s.f. retail/office/restaurant, all on 15.3 net acres (Lots 1, 2, 3, and 4) and a Final Plan of Development for Lots 2 and 3 consisting of 25,982 s.f. of retail/office/restaurant space on 3.85 net acres.

DOCUMENT NAME: [20031204dsd2k03.pdf](#) **PLANNED DEVELOPMENT (0406)**

- q-j *53. This is the **second** public hearing for Crossroads Professional Village for an Amended General Plan of Development and a Final Plan of Development for medical offices at 2147 East Baseline Road.

COMMENTS: (UTAZ Development, property owner) **#SGF-2003.85** for an Amended General Plan of Development consisting of a 76,141 s.f. (44,374 s.f. health club, 31,767 s.f. for medical office) on 8.0 net acres, and a Final Plan of Development for 31,767 s.f. of medical office space on 3.94 net acres, including the following:

Variances:

1. Reduce the minimum required side yard building setback, along the north side property line (Lot 3a) from 40 feet to 30 feet.
2. Reduce the minimum required side yard building setback, along the south side property line (Lot 3a) from 40 feet to 24 feet.
3. Allow a portion of the required parking for Lot 3 to be provided in a non-contiguous lot (Lot 4)

DOCUMENT NAME: [20031204dsht01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- q-j *54. This is the **second** public hearing for Friendship Village – Phase “B” and “C” – for an Amended Preliminary and a Final PAD including a variance located at 2645 East Southern Avenue.

COMMENTS: (Friendship Village of Tempe, property owner) **#SPD-2003.84** for an Amended Preliminary Planned Area Development (PAD) consisting of a 475,879 s.f. total building area of the retirement community on 51.2 net acres and a Final Planned Area Development for an Auditorium (5,406 s.f.), assisted living facility (29,071 s.f.), and a village center (84 new independent apartments – 166,574 s.f.) on 11.7 net acres, including the following:

Variances:

1. Waive the requirement of a landscape parking island at the Auditorium parking area for a period of two years.

DOCUMENT NAME: [20031204dsht02.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *55. This is the **second** public hearing for Rancho Mio for a zoning change, a

Preliminary and Final PAD, and an Amended Final Subdivision Plat located at 2151 East Howe Avenue.

COMMENTS: (Rancho Mio Properties, LLC, property owner), including the following: **#ZON-2003.17 Ordinance 808.2003.17** for a zoning change from R-3R, Multi-Family Residential Restricted to R1-PAD on 0.75 gross acres. **#SPD-2003.86** for a Preliminary and Final Planned Area Development (PAD) consisting of six town homes on 0.51 net acres. **#SBD-2003.87** for a Preliminary and Final Subdivision Plat consisting of six lots on 0.51 net acres.

DOCUMENT NAME: [20031204dsht04.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *56. This is the **second** public hearing to annex a remnant parcel of land owned by the City of Tempe south of State Route 202 approximately midway between Rural and Miller Roads.

COMMENTS: This parcel of land is located in an unincorporated portion of the city of Tempe. The parcel was acquired from the Arizona Department of Transportation and. This annexation is one of the first steps in the process of creating an improvement district for the Playa del Norte/Miller Road area. In accordance with Arizona Revised Statute 9-471, a public hearing was held before the City Council on October 2, 2003 and Council unanimously voted to proceed with the annexation.

DOCUMENT NAME: [20031204PWMG05.pdf](#) **ANNEXATION (0402-01)**
Ordinance No. 2003.28

- *57. This is the **second** public hearing to abandon an easement for ingress and egress located at 1001 East Lemon Street.

DOCUMENT NAME: [20031204PWMG06.pdf](#) **EASEMENT ABANDONMENT (0904-02)** Ordinance No. 2003.33

F. Resolutions

58. Request approval of a Resolution establishing essential policies for setting green fees for Ken McDonald Golf Course and Rolling Hills Golf Course effective December 4, 2003.

DOCUMENT NAME: [20031204csmr01.pdf](#) **GOLF COURSE ADMIN. (0703-01)** Resolution No. 2003.72

59. Request approval of a Resolution authorizing the submission of a Section 108 Loan Guarantee application to Housing and Urban Development in the amount of \$7 million.

DOCUMENT NAME: [20031204dsnc02.pdf](#) **RIO SALADO MASTER PLAN (0112-07-03)** Resolution No. 2003.75

60. Request approval of a Resolution authorizing the acquisition and/or condemnation of property necessary for the development of the Rio Salado Marketplace Project within the University/Hayden Butte Redevelopment Area 5.

DOCUMENT NAME: [20031204dsnc01.pdf](#) **RIO SALADO MASTER PLAN (0112-07-03)** Resolution No. 2003.74

61. Request approval of a Resolution approving Tempe General Plan 2030 and submitting the plan to the Voters for ratification at the May 18, 2004 Election.

COMMENTS: The City of Tempe General Plan 2030 has been developed with extensive public participation during the past two years. After three public hearings with the Planning & Zoning Commission, and two hearings with the City Council, Resolution 2003.62 will approve **CITY OF TEMPE GENERAL PLAN 2030**. This resolution will also set the May 18, 2004 election date for General Plan 2030. City Council adoption of this plan does not authorize implementation of the document unless and until voters ratify the plan.

DOCUMENT NAME: [20031204dsdk05.pdf](#) **GENERAL PLAN (0401-03)**

6. **NON-CONSENT AGENDA**

Public hearing items on the non-consent agenda are designated by an asterisk (*).

62. Request authorization to allow the City Attorney to file an appeal in the Desert Subway vs. City of Tempe lawsuit.

DOCUMENT NAME: [20031204casv02.pdf](#) **CITY ATTORNEY ADMINISTRATION (0501-02)**

7. **CURRENT EVENTS/COUNCIL ANNOUNCEMENTS**

8. **PUBLIC APPEARANCES**

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on the City Council agenda. Matters brought up by the public under public appearances that are not agendaized can not be discussed by the City Council. There is a five-minute limit per citizen. Speaker's visual aids or recorded audio tapes will not be allowed during formal meetings. Citizens attending Council meetings should refrain from making personal, impertinent and slanderous remarks or becoming boisterous while addressing the Council or while attending the Council meeting. Unauthorized remarks from the audience, stomping of feet, yelling and similar demonstrations are also not permitted. Violations of these rules may result in removal from the City Council meeting.